

## IN THE CLAIMS

1 – 37 (Canceled).

38. (Previously Amended) A communication device comprising:

a speaker configured to direct sounds towards an ear canal of a listener's ear and a component configured to fit substantially in a concha portion of the listener's ear; and

a housing connected to the component, the housing configured to be substantially supported by a pinna of the listener's ear and containing substantially all other components of the communication device other than the speaker.

39. (Previously Amended) The communication device of claim 38 wherein the device is used in promotion of a preexisting publicly available broadcast.

40. (Original) The communication device of claim 38 wherein the all other components comprises a variable frequency tuner and a tuned frequency of the tuner is adjustable by a listener.

41. (Original) The communication device of claim 38 wherein the all other components comprises a memory storing a recording associated with the predetermined broadcast.

42. (Previously Amended) The communication device of claim 39 further comprising indicia associated with the preexisting publicly available broadcast.

43. (Previously Amended) The communication device of claim 39 further comprising indicia associated with an advertiser of the preexisting publicly available broadcast.

44. (Previously Amended) The communication device of claim 39 further comprising indicia associated with a sponsor of the preexisting publicly available broadcast.

45. (Original) The communication device of claim 38 wherein the communication device is a digital recording player and the all other components comprising a memory for storing a digital recording and a digital audio processor for producing an audio signal of the digital recording.

46. (Original) The digital recording player of claim 45 wherein the memory is a RAM.

47. (Original) The digital recording player of claim 45 wherein the memory is a ROM.

48. (Original) The digital recording player of claim 45 further comprising an input for receiving the digital recording.

49. (Original) The digital recording player of claim 45 further comprising indicia associated with the digital recording.

50. (Canceled).

51. (Canceled).

52. (Canceled).

**Applicant:** Schwartz et al.  
**Application No.:** 09/706,508

53. (Canceled).

54. (Canceled).

55. (Canceled).

56. (Canceled).

57. (Canceled).

58. (Canceled).